


RESOLUTION NO. 2012-08

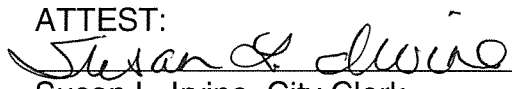
**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE SEDONA CITY CLERK AND ENTITLED " *THE 2012 PUBLIC PARKS AND RECREATION RULES AND REGULATIONS*"**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, that certain document entitled, "*THE 2012 PUBLIC PARKS AND RECREATION RULES AND REGULATIONS*," as set forth in Exhibit A, attached hereto, shall constitute a public record to be adopted by reference pursuant to ARS 9-802. Exhibit A will be incorporated into Ordinance 2012-04 by adopting the content as a revision to **Chapter 12.30 (Parks and Recreation Facilities)** of the Sedona City Code.

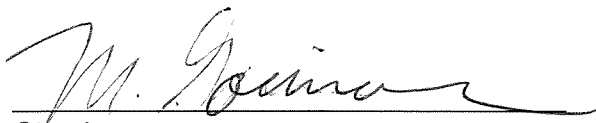
At least three (3) copies of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED BY THE Mayor and Council of the City of Sedona, Arizona, this 10<sup>th</sup> day of April, 2012

  
Robert M. Adams, Mayor

ATTEST:  
  
Susan L. Irvine, City Clerk

APPROVED AS TO FORM:

  
City Attorney

**EXHIBIT A**  
**REVISED 4.11.2012**

**THE 2012 PUBLIC PARKS AND RECREATION RULES AND REGULATIONS**

*The following rules and regulations for the use of public parks and recreational facilities in the City of Sedona and at the Wastewater Treatment Plant are hereby to be set forth as Chapter 12.30 (Parks and Recreation) of the Sedona City Code:*

**Section 12.30.010 Applicability of Regulations**

These regulations shall apply to all parks, recreation facilities and associated improvements and areas owned, leased or otherwise acquired by or under the operation and supervision of the City of Sedona, Arizona ("parks and recreation facilities"); except that, as to those recreation facilities and associated improvements and areas owned by the Sedona-Oak Creek Joint Unified School District No. 9 (the "District"), these regulations shall apply only at such times as those facilities, improvements and areas are under the use, operation and supervision of the City, and only to the extent permitted by the intergovernmental agreements between the City and the District concerning the District facilities, improvements and areas.

In the case of dual function facilities, such as the Wastewater Wetlands, these regulations shall pertain only to the facility's recreation and park related functions. In the case of the Wastewater Wetlands, regulations concerning the effluent management function of this facility, shall have priority over these regulations and shall be administered by the Public Works Department.

**Section 12.30.020 Hours of Use**

Unless otherwise posted or allowed by issuance of a City permit, parks shall be open daily to the public from dawn until dusk, with the exception of Posse Grounds Park, which shall be open from dawn until 10:00 p.m. Site amenities at Posse Grounds Park, such as the skatepark, Sedona Dog Park, proposed Barbara Antonsen Facility and the Teen Center may have separate hours posted. It shall be unlawful for any person (other than City personnel or their agents conducting City business) to use or be present in said parks and facilities during any hours in which they are not open to the public without written permission from the City Manager or his/her designee. Presence within the Wastewater Wetlands outside of posted public hours will additionally require permission of the Wastewater Superintendent.

**Section 12.30.030 Vehicles in Parks and Recreation Facilities Areas**

A motorized vehicle is defined as "any vehicle or conveyance that is or can be propelled without human power excluding devices designed and used by the physically handicapped." A non-motorized vehicle is defined as "any conveyance or device that depends solely on human power for propulsion."

No person shall, at any time, drive or ride a motorized vehicle upon the premises of any park or recreation facility, except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the City Manager or his/her designee. A maximum speed of fifteen (15) miles per hour shall be in effect at all times in the parking lots and streets running through such premises, unless otherwise posted. These restrictions do not apply to the Wastewater Treatment Plant staff or Law Enforcement staff when they are acting within the course of their regular employment.

The operation of any motor vehicle on park property including, but not limited to roads, parking lots, trails and open spaces must comply with all state and local laws as referenced to their use on any public road or highway. All state and local laws apply to vehicle registration, insurance, the operator's age and licensing requirements and apply the same standards regarding the operation of a motor vehicle under the influence of alcohol or drugs.

No person shall operate or use a non-motorized device at parks and recreational facilities where such activity is specifically prohibited by appropriate posting.

**Section 12.30.040 Horses, Other Riding Animals**

Horses and other riding, draft, and burden animals, and any vehicles drawn by such animals are allowed only on specific, designated City equestrian areas and bridle paths, except as may otherwise be permitted by the City Manager or his/her designee, pursuant to written request.

**Section 12.30.041 Nonmotorized Vehicles; Roller Skates; Skateboards; Roller Blades**

No person shall operate skateboards, roller blades, roller skates, bicycles, scooters or any rolling vehicles in a city park where such activity is specifically prohibited by appropriate posting, or in an unsafe manner so as to infringe upon the safety of themselves or others. In cases where a way or trail serves as a pedestrian route, users of rolling vehicles shall reduce their speeds so as not to pose a danger to pedestrians. Generally this shall mean reduction to 7.5 mph or less.

**Section 12.30.050 Camping and Parking in Parks and Recreation Facilities**

Overnight camping and overnight parking are prohibited at parks and recreation facilities, except as permitted by the City Manager or his/her designee. After hours parking is prohibited.

**Section 12.30.060 Fires**

No open fires are permitted, unless specifically authorized by the City and the Sedona Fire District. Charcoal may only be used in fixed grills provided in City parks and charcoal fires shall be attended at all times.

**Section 12.30.070 Smoking**

The City may prohibit smoking in any or all areas within a City park by posting signs stating such.

The City or Sedona Fire District may temporarily prohibit smoking on all City Park lands during periods of high fire danger.

**Section 12.30.080 Damaging Property, Tampering with Parks or Facilities**

A. It shall be unlawful for any unauthorized person to remove, destroy, mutilate, collect or deface any natural or manmade object within any park, trail, or open space area, including but not limited to trees, shrubbery, plants, flowers, rocks, fences, signs, kiosks, bulletin boards, restrooms, picnic tables, or trash containers.

B. It shall be unlawful to plant trees or any other type of landscape material or establish or construct trails, monuments, memorials or other facilities for public or private use without the prior written consent of the City Manager or his/her designee.

### **Section 12.30.090 Firearms and Deadly Weapons**

A. It shall be unlawful to carry or discharge into any park, trail, or open space area firearms or projectile weapons or explosives of any kind, including, but not limited to fireworks, BB guns, pellet guns, air guns, crossbows, longbows, slingshots or other device capable of causing injury to persons or animals or damage or destruction to property. Persons who possess a permit issued pursuant to A.R.S. 13-3112 and peace officers on official duty are exempt.

B. It shall be unlawful to carry a deadly weapon into any park, trail, or open space area. A deadly weapon is defined as any item designed for lethal use and includes knives with blades longer than three and one-half inches (3½").

C. Special events or instructional classes must receive written permission from the City Manager or his/her designee.

### **Section 12.30.100 Golfing at Parks and Recreation Facilities**

No person shall use any portion of any park or recreation facility for golfing purposes, or make use of any golf club or golf ball in any park or recreation facility except for special events or classes.

### **Section 12.30.110 Glass Containers in Parks and Recreation Facilities**

It shall be unlawful for any person to have a glass container in his/her possession in any park unless specifically authorized by the City Manager or his/her designee.

### **Section 12.30.120 Littering**

It shall be unlawful to litter at a park or recreation facility. Users are responsible for returning facility to an as found condition. Users shall take refuse resulting from activities within the park with them when leaving the park or deposit them in available waste receptacles that may be provided at the park. In the case where trash receptacles are full, users shall remove their own refuse from the park property.

### **Section 12.30.130 Dumping or Depositing of Household or Commercial Trash**

Dumping or depositing household or commercial trash on or at a park or recreation facility, or in dumpsters or trash receptacles provided is prohibited.

### **Section 12.30.140 Domestic Animals**

Domestic animals shall be kept on a leash at all times at parks and recreation facilities except at the Sedona Dog Park or when participating in a program authorized by the Parks and Recreation Department. Owners are responsible for cleaning up and disposing of their animal's excrement by removing it from the park or disposing of it in a trash receptacle located in the park.

Domestic animals are not permitted at the Wastewater Wetlands with the exception of dogs, which must be kept on a 6' leash and on the trails at all times. Dogs are not permitted off the trails or in the water at the Wastewater Wetlands.

Domestic animals are not permitted on athletic fields except when authorized by the City Manager or his/her designee.

The disposal, burying, entombment, or the spreading of remains of household pets or domesticated animals is prohibited on any City park lands.

**Section 12.30.150 Prohibited Substances**

No person shall consume, possess or distribute an open container of alcoholic beverages at parks and recreation facilities. No person shall consume, distribute or possess any substance in violation of Title 13, Chapter 34, Drug Offenses of the Arizona Revised Statutes, at parks and recreation facilities.

**Section 12.30.160 Distribution or Sale of Food, Beverages or Other Items**

Commercial distribution or sales of food, beverages or any other item is prohibited at parks and recreation facilities, unless written authorization is obtained from the Parks and Recreation Department.

**Section 12.30.170 Park and Facility Closure**

A. The City Manager, or his/her designee, has the authority to close a park or recreation facility or portion thereof, at his/her discretion. The Public Works Director may also close the Wastewater Wetlands. Reasons include, but are not limited to vandalism, weather, repairs, etc.

B. No person shall use any City park facility, or any area in a city park, which has been declared "closed" and which has been so posted by the City, except as authorized in writing by the City Manager or his/her designee.

**Section 12.30.180 Signs, Decorations and other Objects**

A. The posting, draping or attachment of any sign, poster, bill, advertisement or directional flagging to any park sign, sign post or facility including free-standing signs on park property is prohibited without the permission of the City Manager or his/her designee.

B. The posting of advertisements or the placement of brochures by private parties on City park, trail or open space area facilities and on vehicles within designated parking areas is prohibited.

C. Placement of tents or temporary structures must be approved by Community Development and Public Works before installation.

**Section 12.30.181 Wildlife Protection**

A. It is unlawful to harass, chase, harm, capture, or to shoot or throw an object at any animal. This does not apply to the chasing or capture of domestic animals such as dogs or cats to bring them under appropriate control of the owner, caretaker, or animal control officers.

B. It is unlawful to disturb or move birds' nests or eggs.

C. This section shall not apply to persons performing wildlife rescue, rehabilitation or management of the Wastewater Wetlands with permission from the Public Works Director, City Manager or his/her designee.

D. It is unlawful to release any wild, exotic or non-native animal or pet into the Wastewater Wetlands. For example but not limited to: snakes, birds, fish, frogs, dogs or cats.

**Section 12.30.182 Feeding**

It is unlawful to feed any birds or animals in the Wastewater Wetlands, except as follows:

A. It is permissible to feed birds or animals with written permission from the City Manager or his/her designee or Public Works Director for purposes of wildlife rescue, rehabilitation, education or management of the wetlands.

#### **Section 12.30.183 Collection or Removal of Plants and Insects**

A. It is unlawful to pick flowers, or to remove any plant or vegetation from the Wastewater Wetlands.

B. It is unlawful to harm or capture butterflies, moths, dragonflies, and damselflies, or to remove them from the Wastewater Wetlands without written permission from the City Manager or his/her designee.

C. This section shall not apply to persons performing pest control or landscape maintenance with permission from the City Manager or his/her designee, or Public Works Director.

#### **Section 12.30.184 Wastewater Wetlands**

A. The Wastewater Wetlands contain reclaimed water. The following rules shall apply to only this facility:

1. Fishing and boating are prohibited. No water contact is permitted including, wading, swimming, etc. Dogs are not allowed in the water.
2. Unaccompanied minors under the age of 14 are not permitted.

#### **Section 12.30.190 Reserving Exclusive Use**

A facility use request shall be submitted to the City Parks and Recreation Office whenever any person or group desires exclusive use of any portion of any City Park or recreation facility. The City Manager or his/her designee is hereby authorized to accept or reject reservations in accordance with this ordinance.

#### **Section 12.30.200 Facility Reservation Procedures**

A. All reservation forms must be received within 10 working days prior to anticipated use, at the City of Sedona Parks and Recreation Office during normal business hours.

Reservations may be obtained up to six (6) months in advance.

B. A reservation is not complete until required fees and/or deposits are paid, and Parks and Recreation approve a reservation request and if required, a City Temporary Use Permit and/or County Health Department Permit is obtained. (See special event procedures).

C. Reservations shall be issued only to persons eighteen (18) years of age and older.

Reservations are not transferable and shall be in the possession of the reservation holder at the time of park or recreation facility use.

D. Group activities, events or organized functions shall be confined to the specific park or recreation facility reserved to the named responsible party.

E. The City Manager or his/her designee, may require the named responsible party to arrange for police patrol of a group's activity, event or organized function if large crowds may reasonably be expected or if the nature of the activity, event or function, in the Director's sole opinion, warrants law enforcement and/or traffic control. The named responsible party is solely responsible for paying for such law enforcement and/or traffic control services.

F. The named responsible party and all individuals, and the group, club, organization or association occupying or using the park or recreation facility, or any portion thereof, pursuant to the reservation, as an express condition of such occupation or use, shall hold harmless from and indemnify the City of Sedona and all City employees and officials against all damage to park or facility or the death of or any injury to any person whatsoever arising out of or resulting in any way from such occupation or use. Proof of liability insurance may be required depending on the nature of the use. The named responsible party has been informed that if any individuals, group, club, organization or association is harmed due to the nature of the use (if different from the normal use of the park facility), those people are not covered under the City's liability insurance policy, regardless of the incident occurring on City property or during a City event. The named responsible party is required to show proof of liability insurance have the option of purchasing "one time" event coverage through TULIP

(Tenant User Liability Policy). Parks and Recreation is able to provide more information regarding the TULIP system if requested.

G. Regular or frequent use of a park or recreation facility by clubs, organization or associations may be specially allowed through a signed agreement between the City and such club, organization or association. The City Manager or his/her designee is authorized to enter into such agreements. The term of a special reservation shall not exceed one (1) year.

H. The responsible party and all individuals of the group, club, organization or association occupying or using the park or recreation facility or portion thereof shall be responsible for litter control and returning the facility to an as found condition.

I. Recurring usage requests of a City facility will be evaluated and authorized with written permission from the City Manager or his/her designee.

J. Use of City facilities for profit making is not permitted, except with authorized written permission from the City Manager or his/her designee.

#### **Section 12.30.210 Special Events**

The event organizer must submit a letter of intent at least 60 days prior to the proposed event. Parks and Recreation, in conjunction with the Community Development Department, will review the letter and determine the proper permitting process, if applicable.

#### **Section 12.30.220 Reservation Fees and Deposit**

A. Fees and deposits shall be paid in advance. If inclement weather causes a cancellation, a reservation may be reissued for another available date and time, or fees and deposits may be refunded at the discretion of the City Manager or his/her designee.

B. Any required clean-up and damage deposit will be returned within thirty (30) days of the reservation, if the City premises and equipment are left in the same or better condition than in which they were found. Charges, which may be taken from the deposit, include, but are not limited to:

1. Cleaning of City premises or equipment-per hour costs based on City employees' hourly rate of compensation, plus supply costs.
2. Loss of keys
3. Damage to City premises or equipment-parts and labor.

##### **C. Definition of Fee and Deposit Categories**

1. CATEGORY I: "City Sponsored/Affiliated or Non-Profit"
  - a. Activities, meetings or programs conducted by City employees for City purposes.
  - b. Co-sponsored events conducted in cooperation with outside individuals, organizations, or public or private agencies.
  - c. Activities and programs conducted through agreements or contracts between the City and outside individuals, organizations, or public or private agencies.
  - d. Activities, meetings or programs conducted by any elected or appointed City official for City purposes and/or other governmental organizations.
  - e. All non-profit organizations conducting non-commercial activities.
  - f. Other community events that may have a community benefit, as determined by the City Manager or his/her designee.
  - g. All non-profits, except park lessees, utilizing City park facilities and amenities for fundraising or commercial activities will be classified as a Category III.
2. CATEGORY II: "Private" shall include any private group, club, agency, organization or individual using a City Park or recreation facility where no profit will be realized. For example receptions, birthdays and organizational meetings.

3. CATEGORY III. "Commercial/Profit Making", shall include any group, club, agency, organization or individual, except as defined in Categories I and II, using a City park or recreation facility in an attempt to realize a profit from its use or activity and where an admission charge is made or other proceeds are received.



**RESERVATION FEE AND DEPOSIT SCHEDULE**

See current fee schedule as adopted by the City Council